

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed April 23, 2010. At the time of the Office Action, Claims 1-75 were pending in the Application and stand rejected. Applicant amends several Independent Claims without prejudice or disclaimer. The amendments to these claims are not the result of any Prior Art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 101 Rejection

The Examiner rejects Claims 18-33 under 35 U.S.C. §101 and stated that the claimed invention is directed to non-statutory subject matter. Applicant has made a modest amendment to the identified Independent Claims in an effort to address the Examiner's concern and to comply with the ever-changing §101 guidelines at the USPTO.

Any amendment in this regard should not be construed as an agreement with or acquiescence to the propriety of the Examiner's contention. Applicant reserves the right to comment on the appropriateness of the §101-based amendment at a future time, should Applicant deem it appropriate to do so.

Section 112 Rejection

The Examiner rejects Claims 1-75 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has made a small amendment to address the Examiner's concern.

Section 103 Rejections

The Examiner rejects Claims 1-75 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0069016 issued to Bahl et al. (hereinafter "*Bahl*"), in view of Perkins RFC 3344 (hereinafter "RFC 3344").

Applicant respectfully reminds the Examiner that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.¹

It is respectfully submitted that the rejected claims are patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each claim limitation of the Independent Claims. Independent Claim 1 recites (*inter alia*) “...*the change from the self address to the new address triggers an Internet Security Association and Key Management Protocol (ISAKMP) element to evaluate a SA table to determine selected SAs in a security parameter Index (SPI) list that are bound to the self address, and wherein the SPI list is provided in an outgoing IP address update message to the second end machine....*”

First, no reference includes a feature offering a change from the self address to the new address triggering an Internet Security Association and Key Management Protocol (ISAKMP) element to evaluate a SA table to determine selected SAs in a security parameter Index (SPI) list that are bound to the self address. Second, no reference details ***the SPI list being provided in an outgoing IP address update message to the second end machine***. All of these limitations are provided for in Independent Claim 1, but no reference of record includes such elements.

¹ See M.P.E.P. §2142-43.

Applicant has reviewed the cited references and found nothing that would be even germane to these teachings.

For at least these reasons, Independent Claim 1 is allowable over any cited reference, or combination of references. The other Independent Claims recite limitations similar, but not identical, to those recited in Independent Claim 1. Therefore, these claims are also allowable, for example, for the same reasons as identified above. Additionally, the corresponding dependent claims from these Independent Claims are also patentably distinct for analogous reasons. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

ATTORNEY DOCKET NO.
CSCO-034 (CPOL 305764)
Confirmation No. 2401

PATENT APPLICATION
10/708,402

32

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214-823-1241.

Respectfully submitted,

Patent Capital Group
Attorneys for Applicant

/Thomas J. Frame/

Thomas J. Frame
Reg. No. 47,232

Date: July 21, 2010

Customer No. 86421